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September 14, 2010  
April Bernath  
(Formerly April McIntosh)  
PO Box 72  
Startup, WA 98293

To: Breyer, Judge Charles R.

Care of Clerk of the Court  
US District Court  
Northern District of California  
450 Golden Gate Avenue, 16<sup>th</sup> Floor  
San Francisco, CA 94102

RE: Case C 09-0750 CRB (PR)  
McIntosh vs. Holder

**FILED**

SEP 20 2010

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

Dear Judge Breyer,

I am Ronald J. McIntosh's ex-wife. We were married 24 years until after the trial, and then divorced. I did not testify for Ron and I have not spoken ever, until now. I try to tell myself that it was because my daughter was dying and she needed me. But the truth is I was a coward and still am. I was afraid of the prosecutor and federal marshals, like so many others. The federal marshals were brutal and it is my belief that many involved in this case including myself withheld positive evidence, lied, changed testimony, or committed suicide due to their (the marshals) brutal pressure coercion.

I just found out you denied Ron's appeal. I feel heartbroken again and finally hopelessly again. I dared hope the thousands of hours of investigation by Gary McDaniels, and spanning a period of 15 years with Al Hobert, that the newly raised issues, facts, would contribute to justice prevailing for an innocent man. Finally these two wonderful men know as I do and have always known that he is innocent. They spent this time in their lives without even hope of any monetary compensation. It should have given you some pause for the thought that two men who should be cynical and suspicious in their line of work to have such a deep seated belief in his innocence. As do I. Did you read it?

Ron never had a chance in Court, with no money, brutal federal marshals, and a prosecutor that said he would see all Ron's family dead or in jail. I alone survived this holocaust. I also know his lawyers that "represented" him were unethical. Basically there was no representation. I still can't believe that hear say statements from a drug dealer's testimony holds validity of any kind – unbelievable!

Whereas the life of a man who has never hurt anyone – a good husband, father, veteran, and war hero has lost 25 years of life in prison while everyone in his family is now dead, but me.

I have tried to live a life worth living with meaning. For 10 years I worked at the Health Department as the Public HIV/AIDS educator, I am a counselor; I continue to work for the homeless. I have a significant other and from me he knows about Ron. We planned to have Ron live in our home and finish his latter years in peace and free. I had dared to hope with your excellent record that you might actually look at the facts and see the truth despite the many years it has taken to bring these issues to light.

Knowing that Ron is innocent and has spent a lifetime – 25 years in prison saddens every day in my life. I had so hoped for justice.

I feel I must finally speak.

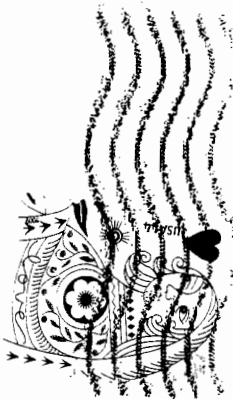
Sincerely



April Bernath  
(Formerly April McIntosh)

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Starling, WA - 98295

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Judge Charles R. Briggs  
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